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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,241	08/17/2001	Doug Rollins	500964.01	4822

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DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
SUITE 3400
1420 FIFTH AVENUE
SEATTLE, WA 98101

EXAMINER

HERNANDEZ, OLGA

ART UNIT PAPER NUMBER

2144

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/932,241

Applicant(s)

ROLLINS, DOUG

Examiner

Olga Hernandez

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/31/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 8-20, 22-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Rive (6,301,666).

As per claim 1, 2, 11 and 16, Rive discloses:

- a memory device coupled to a processor, the memory device containing an embedded operating system that is executed by the processor (figures 4, 14, column 4, lines 5-11);
- a network communication circuit coupled to the processor allowing the processor to communicate over a computer network with computer resources coupled to the network (figures 4, 13, 14); and
- a mass storage device coupled to the processor for storing user preference data and user file data may be accessed by the processor (figures 4, 14, column 6, lines 1-33, column 7, lines 47-67).

Art Unit: 2144

The term broadband is widely used to cover a range of connection speeds. Using different range of connection speeds to get the same result in networking system it is just routine skill in the art. In re Brown, 459 F. 2d 531, 535, 173 USPQ 685, 688 (CCPA 1972).

As per claims 5, 19, Rive discloses the use of a hard drive (column 3, lines 21-51).

As per claims 6 and 20, Rive discloses hard disk comprising a user preference partition and a user file data partition that store associated user preference data and user file data, respectively, with the data in each partition being capable of being set to desire values independently of the data in other partition (figures 4, 14, column 6, lines 1-33, column 7, lines 47-67).

As per claims 3, 12 and 17, Rive discloses the cable communication means (figure 4).

As per claims 10, 24, Rive discloses the user input and output devices (figures 4, 13, 14).

As per claim 14, Rive discloses the network means including access to the Internet (figures 4, 13, 14).

As per claims 9, 15, 23, discloses the use of flash memory (paragraph [0004]).

As per claims 4, 13, 18, a modem is a device, which converts data signals into a suitable form for transmission over a communications medium, and recovers data from the received communication link. Voiceband modems are a special class of modems which convert data signals into tones within the bandwidth allocated for voice. Digital

Art Unit: 2144

radio systems use another class of modems to modify a radio frequency carrier to convey a digital information stream. The generic name used to refer to the family of Digital Subscriber Line technologies. Includes ADSL, HDSL, VDSL, RADSL and SDSL. It is being used by Local Exchange Carriers (LECs) to transport higher bandwidth digital signals on the copper twisted wire pairs already in place in telephone company access networks.¹

As per claims 8 and 22, discloses default values being adjustable and the memory comprising a resetting device for the parameters of the default (paragraphs [0003], [0083] and [0085]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rive et al (6,301,666) in view of Puente et al (2003/0033606).

Rive does not teach the second network executing the router program to cache files on the mass storage device and provide users coupled to the second network with selected cached files responsive to user requests for the selected files. However, teaches it in paragraph [0010]. Therefore, it would have been obvious to one skill in the

¹ LexiCat Dictionary Copyright 1995-1998

Art Unit: 2144

art to combine the aforementioned inventions in order to provide the best option for delivery of Internet Protocol (IP) video services (streaming media).

Claims 7, 21, 25, 30, 34, 36, 37, 41, 44, 45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rive et al (6,301,666) in view of Cheston et al (2003/0135350).

Rive teaches:

- a memory device coupled to a processor, the memory device containing an embedded operating system that is executed by the processor (figures 4, 14, column 4, lines 5-11);
- a network communication circuit coupled to the processor allowing the processor to communicate over a computer network with computer resources coupled to the network (figures 4, 13, 14);
- a mass storage device coupled to the processor for storing user preference data and user file data may be accessed by the processor (figures 4, 14, column 6, lines 1-33, column 7, lines 47-67); and
- hard disk comprising a user preference partition and a user file data partition that store associated user preference data and user file data, respectively, with the data in each partition being capable of being set to desired values independently of the data in other partition (figures 4, 14, column 6, lines 1-33, column 7, lines 47-67).

Rive does not teach resetting devices. However, Cheston teaches it in paragraph [0019]. Thus, it would have been obvious to one skilled in the art to combine the aforementioned inventions in order to define device specific code that is invoked via the system BIOS typically after the execution of a power on self test (POST) and before the IPL.

As per claims 29 and 40, Rive teaches the use of a hard drive (column 3, lines 21-51).

As per claim 27, Rive teaches the cable communication means (figure 4).

As per claims 28 and 39, a modem is a device, which converts data signals into a suitable form for transmission over a communications medium, and recovers data from the received communication link. Voiceband modems are a special class of modems which convert data signals into tones within the bandwidth allocated for voice. Digital radio systems use another class of modems to modify a radio frequency carrier to convey a digital information stream. The generic name used to refer to the family of Digital Subscriber Line technologies. Includes ADSL, HDSL, VDSL, RADSL and SDSL. It is being used by Local Exchange Carriers (LECs) to transport higher bandwidth digital signals on the copper twisted wire pairs already in place in telephone company access networks.²

As per claim 32 and 43, Rive teaches the user input and output devices (figures 4, 13, 14).

² LexiCat Dictionary Copyright 1995-1998

Art Unit: 2144

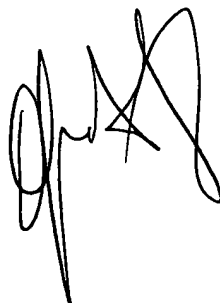
As per claims 9, 15, 23, 31 and 42, Rive teaches the use of memory (figures 4, 13, 14).

As per claims 26, 35 and 37, the term broadband is widely used to cover a range of connection speeds. Using different range of connection speeds to get the same result in networking system it is just routine skill in the art. In re Brown, 459 F. 2d 531, 535, 173 USPQ 685, 688 (CCPA 1972).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olga Hernandez whose telephone number is 571-272-7144. The examiner can normally be reached on Mon-Thu 8:30am-7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'OH' with a large loop at the end.

Olga Hernandez
Primary Examiner
Art Unit 2144